

Decision 01-11-018 November 8, 2001

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The Office of Ratepayer Advocates,

Complainant,

vs.

Pacific Bell Telephone Company (U 1001 C),

Defendant.

Case 00-11-018
(Filed November 9, 2000)

ORDER EXTENDING STATUTORY DEADLINE

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving the matter is November 9, 2001.

This proceeding was initiated on November 9, 2000. At a Prehearing Conference (PHC) held on January 19, 2001, the Administrative Law Judge (ALJ) adopted the procedural schedule proposed by ORA. ORA indicated that this schedule was reasonable, and stated there were a significant number of issues to be resolved. This schedule was agreed to by both parties. Under this schedule, the Presiding Officer's Decision (POD) was scheduled to be issued on August 29, 2001. Pursuant to Pub. Util. Code § 1701.2(a), the POD will be the decision of the Commission if no further action is taken within 30 days after it is issued.

Pacific asked that the schedule for filing of briefs be delayed by a few days. Reply briefs were ultimately filed on July 5, which meant that the POD was due on September 4, 2001.

The POD was issued on September 7, 2001, and Pacific Bell Telephone Company (Pacific) timely filed its appeal to the POD on October 9, 2001. Pursuant to Rule 8.2(f), ORA is entitled to file and serve its response no later than 15 days after the date the appeal was filed, in this case, October 24, 2001. The MOD-POD in this case would have to be approved by the Commission at its November 8, 2001 meeting in order to meet the statutory 12-month deadline.

The timeframe indicated above may not allow the Commission adequate time to deliberate on the issues raised in the appeal. In order to give the Commission time for deliberation, the statutory deadline must be extended. A definite date for conclusion of the proceeding cannot be set, but it is expected that the matter will be before the Commission at a meeting before the end of 2001.

Findings of Fact

1. This adjudicatory proceeding was initiated on November 9, 2000.
2. At a PHC held on January 19, 2001, the ALJ adopted the schedule proposed by ORA, and Pacific agreed to the proposed schedule.
3. Under the procedural schedule adopted, absent appeal, this proceeding would be resolved within the 12-month statutory period.
4. The 12-month deadline may not be met if the Commission is going to have adequate time for deliberation on the issues raised in the appeal.

Conclusion of Law

The 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended. A definite date for conclusion of the proceeding cannot be

set, but it is expected that the matter will be before the Commission at a meeting before the end of 2001.

IT IS ORDERED that the 12-month statutory deadline in this proceeding, November 9, 2001, shall be extended as described above.

This order is effective today.

Dated November 8, 2001, at San Francisco, California.

LORETTA M. LYNCH
President
RICHARD A. BILAS
CARL W. WOOD
GEOFFREY F. BROWN
Commissioners

Commissioner Henry M. Duque, being necessarily absent, did not participate.